

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MARILYN ALEXANDER, THOMAS)	
KIRKENDOLL, and STEPHEN THOMPSON,)	
)	
Plaintiffs,)	Civil No. 3:08-0943
)	Judge Trauger
v.)	
)	
TENNESSEE VALLEY AUTHORITY,)	
)	
Defendant.)	

ORDER

The plaintiffs have filed a Motion to Approve Notice (Docket No. 25), to which the defendant has responded in partial opposition (Docket No. 27), the plaintiffs have filed a Reply (Docket No. 29), and the defendant has filed a “Supplemental Filing” (Docket No. 30). The defendant’s objection to the Motion to Approve Notice is that no named plaintiff is a Maintenance Supervisor and that, therefore, notice to persons holding that job title is not appropriate. To cure this alleged defect, the plaintiffs have filed a Motion to Amend Complaint, seeking to add as a named plaintiff Greg Hughes, who holds the title of Maintenance Supervisor. (Docket No. 31) The defendant has opposed the amendment on the ground that it comes after the amendment deadline of February 15, 2009 set out in the initial case management order (Docket No. 15) and that the plaintiffs have established no good cause for the amendment deadline to be extended beyond the established deadline.

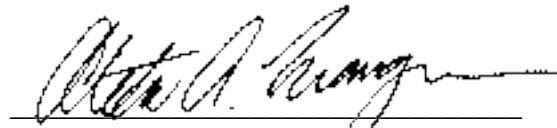
It is in the interest of judicial economy for the amendment to be allowed. First, it comes less than sixty (60) days after the established deadline. Second, the job title of “Maintenance Supervisor” has been a part of this case since the filing of the original Complaint. Third, instead of mentioning this issue at the initial case management conference, where it could have been easily

discussed and cured, the defendant chose to “lie in wait” and raise the issue on the plaintiff’s notice motion. Fourth, there is a decent legal argument, made by the plaintiffs, that the amendment is not even necessary.

It is hereby ORDERED that the Motion to Amend Complaint (Docket No. 31) is GRANTED. It is further ORDERED that the Motion to Approve Notice (Docket No. 25) is GRANTED. The proposed Notice (Docket No. 26-12) is approved, subject to the slight modifications necessitated by the adding of Greg Hughes as a named plaintiff.

It is so **ORDERED**.

ENTER this 11th day of May 2009.



ALETA A. TRAUGER
U.S. District Judge